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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,195	08/20/2003	Yasuyoshi Hyodo	ASMJP.137AUS	6076

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EXAMINER

Blum, David S

ART UNIT PAPER NUMBER

2813

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,195

Applicant(s)

HYODO ET AL.

Examiner

David S. Blum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This action is in response to the election filed 2/7/05.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

The applicant is requested to elect from:

a species wherein the method contains a source gas of a silicon-containing compound containing at least one vinyl group, and an additive gas. (claims 1-6, 10-15, and 17 read on this)

or

a species wherein the method contains a source gas of a silicon-containing compound containing at least one vinyl group and a silicon-containing hydrocarbon having no vinyl group, and an additive gas. (claims 7-9, and 16 read on this)

or

a species wherein the method contains a source gas of a silicon-containing compound containing at least one vinyl group, a silicon-containing hydrocarbon having no vinyl group, and an additive gas. (claims 18-24 read on this)

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Further, for purposes of prosecution, the applicant is further requested to choose from the following;

Si-Vinyl compound

A compound or compounds selected from the group consisting of linear silicon-containing hydrocarbon compounds having the formula $\text{Si}(\alpha)\text{O}(\alpha-1)\text{R}(2\alpha-\beta=2)(\text{OR})(\beta)$ wherein R is C(1-6) saturated hydrocarbon

A compound or compounds selected from the group consisting of linear silicon-containing hydrocarbon compounds having the formula $\text{Si}(\alpha)\text{O}(\alpha-1)\text{R}(2\alpha-\beta=2)(\text{OR})(\beta)$ wherein R is C(1-6) unsaturated hydrocarbon

A cyclic compounds having the formula $\text{Si}(n)\text{O}(n)\text{R}(2)n$, wherein R is C(1-6) saturated hydrocarbon

A cyclic compounds having the formula $\text{Si}(n)\text{O}(n)\text{R}(2)n$, wherein R is C(1-6) unsaturated hydrocarbon

A cyclic compounds having the formula $\text{Si}(p)(\text{C}_2\text{H}_2)(p)\text{R}(2p)$ R is C(1-6) saturated hydrocarbon.

A cyclic compounds having the formula $\text{Si}(p)(\text{C}_2\text{H}_2)(p)\text{R}(2p)$ R is C(1-6) unsaturated hydrocarbon.

The applicant is requested to choose from the group above and identify all claims that read on the elected species.

Additive gas

Carrier gas

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Oxidizing gas

Plasma stabilizing gas

Further,

if Plasma stabilizing gas is chosen, the applicant is requested to choose from;

H₂

C_nH_(2n+2)

C_nH_{2n}

C_nH_(2n+1)OH

if Oxidizing gas is chosen, the applicant is requested to choose from;

O₂

CO₂

H₂O

O₃

NO₂

if Carrier gas is chosen, the applicant is requested to choose from;

He

Ar

N₂

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In lieu of electing a species or sub-species, the applicant may state for the record which species or subspecies are obvious variants. Regarding the species listed in dependent claims, should the independent claim(s) be in an allowable condition, and not amended so as to be specific toward any of the sub-species, all properly dependent claims will be rejoined.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Blum whose telephone number is (571)-272-1687) and e-mail address is David.blum@USPTO.gov .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead Jr., can be reached at (571)-272-1702. Our facsimile number all patent correspondence to be entered into an application is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'D. S. Blum', followed by a long horizontal line extending to the right.

David S. Blum

November 7, 2005